

IN BOARD OF SELECTMEN  
MONDAY, JUNE 5, 1978

Present: Chairman William F. Toomey and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Fire Headquarters Purchase - Refrigerator

Present: Fire Chief Josiah F. Frost.

The Board reviewed a request dated May 30, 1978, from Fire Chief Josiah F. Frost for the purchase of a new refrigerator for Fire Headquarters from funds in the New Equipment Account #310-51 which has a current balance of \$400.

Executive Secretary Richard E. Thompson recommended to the Board that they approve the use of said funds for this necessary purchase; otherwise, it will be necessary for the Fire Chief to apply for a transfer of funds.

In answer to Chairman Toomey, Chief Frost stated that the New Equipment Account #310-51 had an original balance of \$2,000 appropriated for fire apparatus equipment rather than fire station equipment, and this is the reason for the needed approval for the use of said funds for the purchase of a refrigerator for the Fire Station Headquarters. The Chief said that the purchase would be about \$175.

It was on motion by Selectman John E. Murray unanimously

VOTED: To grant permission to Fire Chief Josiah F. Frost to use funds from the New Equipment Account #310-51 for the purchase of a new refrigerator for Fire Headquarters, as requested in a communication dated May 30, 1978 from Chief Frost.

Request for Transfer

Present: Fire Chief Josiah F. Frost.

The Board considered a Request for Transfer (#0784) from the Reserve Fund in the amount of \$330, for Account 310-81, Fire Department Tuition Reimbursement, needed to enable the Fire Department to meet the earned expenses of firefighters who have attended accredited colleges and passed accredited subjects with a grade of C or better as per the Town bylaws and the Union contract.

The Executive Secretary Richard E. Thompson recommended said transfer as requested in a letter dated May 31, 1978, from Fire Chief Frost.

Fire Chief Josiah F. Frost explained that the previously budgeted amount of \$800 has proven insufficient by \$330 due to the increased number of firefighters attending college, the increased number of courses taken, and the increase in course costs per semester.

Chairman William F. Toomey asked what the Labor Contract states regarding educational reimbursement.

Chief Frost said that the contract states reimbursement should be made for books and tuition if the firefighter's grade is C or better. Also in answer to

Selectman Toomey, Chief Frost said that the courses must be related to the Fire Science Associates Degree as specified by the college, initially approved by him (the Chief), and then approved by the Personnel Board, who keeps a record of the same.

It was on motion by Selectman John E. Murray unanimously

VOTED: To approve Request No. 0784 for a transfer from the Reserve Fund to Account 310-81, Fire Department Tuition Reimbursement, in the amount of \$330.

Sudbury Woman's Club July 4th Pie Sale on Town Common

It was on motion by Selectman John E. Murray unanimously

VOTED: To grant permission to the Sudbury Woman's Club to conduct its annual pie sale on the Town Common on July 4, 1978, in accordance with a request dated May 31, 1978, from Patricia M. Walsh, President, Sudbury Woman's Club.

Diesel Fuel Storage License - Douglas R. Lewis, Jr., 9 Old County Road

Present: Douglas R. Lewis, Jr.

Chairman William F. Toomey stated that the Board met last week to discuss the diesel fuel storage license renewal request by Douglas R. Lewis, Jr., for property at 9 Old County Road, at which time the questions were raised by the Board as to the present ownership of the property and as to whether or not there was a site plan for the property.

Selectman Toomey read Town Counsel's letter dated May 19, 1978, suggesting a motion for the Board to amend a vote previously recorded on May 31, 1977, which would change the restriction on the yearly filing requirement. (The previous vote subjected Mr. Lewis to the statutory annual filing requirement with additional costs involved; whereas, the amended vote alters the same by a yearly Certificate of Registration filed with the Town Clerk for the usual fee of \$12.50.)

Selectman John E. Murray asked the Executive Secretary to read the minutes of last year, which included the above-mentioned vote of May 31, 1977, which he did.

The Executive Secretary stated, in reviewing the past records concerning the fuel storage license, that a report in 1972 by the Board of Appeals recommended approval, and that the minutes of that year indicated that there was a site plan. He continued to say that there were letters recorded indicating approval by both the Board of Selectmen and the Planning Board, and that, at the same time, there was a very adamant objection by an abutter to additional cars in the area.

The Executive Secretary supplied the Board with a site plan dated July 10, 1972, and in answer to Selectman Toomey, noted that the Lewis property is located in an industrial zone rather than in a business zone.

Selectman Toomey then questioned access to the property, and Mr. Lewis said that there was access to the property on both the Boston Post Road and Old County Road. Mr. Lewis also stated his opinion that his business operations at 9 Old County Road are within the bylaws of the Town of Sudbury.

Selectman Toomey said that he remembered former Selectman Taft making a statement in past years when the Board reviewed the granting of Mr. Lewis' storage license, to the effect that "by granting his storage, we would be putting you in the same position as a filling station". Selectman Toomey continued to say that "by putting Mr. Lewis in the same category as a filling station", restrictions would have to be met such as: access with proper frontage, dispensing of gas or other fuels, curb cuts, etc.

The Executive Secretary stated that in the past, votes of the Board had been unanimous.

Selectman John E. Murray recommended that the Board renew Mr. Lewis' license for diesel fuel storage using the motion suggested by Town Counsel.

Selectman Toomey asked Mr. Lewis if he is operating his business in full compliance with the original site plan dated July 10, 1972.

Mr. Lewis stated that he was, that nothing had changed, that he was serving Sudbury residents only, that he was not advertising and does not have a sign up (an original stipulation), that in cleaning up the dumping area "out back" and that in filling certain other areas the Conservation Commission is not concerned because wetlands are not involved (this was confirmed by the Engineering Department on the request of Mr. Lewis). Mr. Lewis further stated that the vote taken last year indicated that "said license will expire on June 1, 1978, and its renewal is subject to the statutory annual filing requirement", and questioned why he would have to pay \$50 to renew his license again this year.

Selectman Toomey suggested continuing consideration of the fuel storage license until June 26, 1978, subject to the recommended motion of Town Counsel and following the Building Inspector's inspection of the property for his approval that business operations are in full compliance with the site plan, in writing, the Board will accept the recommended motion of Town Counsel allowing for a Certificate of Registration filed yearly with the Town Clerk's office, in accordance with Town Counsel's communication of May 19, 1978.

It was on motion by Selectman John E. Murray unanimously

VOTED: To continue to June 26, 1978, consideration of the diesel fuel storage license to Douglas R. Lewis, Jr., for property at 9 Old County Road, at which time the Board will accept the recommended motion, as set forth in Town Counsel's letter of May 19, 1978, subject to Mr. Francis E. White's (Building Inspector) approval of compliance of the business owned and operated by Mr. Lewis to the site plan dated July 10, 1972.

Resolutions to Endorse Two Lincoln-Sudbury Regional School District  
Committee's Legislative Bills

Present: Richard F. Brooks and Alan Grathwohl, Lincoln-Sudbury Regional School District Committee.

The Board reviewed two resolutions, prepared by the Lincoln-Sudbury Regional School District Committee (LSRSDC) and submitted to the Board at their request,

relative to the Town endorsing the two legislative bills filed by Representative Ann C. Gannett on behalf of the LSRSDC, which are now in third reading and predicted not to pass in the Legislature because of previous nonsupport of the Board of Selectmen in Sudbury, in spite of approval by the Lincoln Board of Selectmen, the Lincoln Finance Committee and the Sudbury Finance Committee.

Chairman William F. Toomey told Mr. Richard F. Brooks (LSRSDC) that the Board had specifically requested a formal vote of the LSRSDC in addition to the resolutions to the Board's meeting last week.

Mr. Richard F. Brooks, LSRSDC, stated that he did not remember that request but informed the Board that the LSRSDC is in full agreement to the wording set forth in the two resolutions presented to the Board tonight.

Selectman John E. Murray stated that he and the Executive Secretary went to the State House today after receiving copies of the two resolutions and met with Mr. William Q. MacLean, Jr., House Majority Leader, in order to review the two bills (Parking and Contingency Fund) and the resolutions with him. Selectman Murray said that Mr. MacLean suggested that they kill the bills as written and rewrite them properly for the Annual Town Meetings (Lincoln and Sudbury) and then submit them to the Legislature, once they have the approval of both Town Meetings, because as Mr. MacLean had indicated to Selectman Murray and the Executive Secretary, the bills probably would not pass as presently written.

Selectman Toomey asked Selectman Murray if he had asked Mr. MacLean if it would still be his opinion that the bills would not pass if the Board supported the two bills as written.

Selectman Murray said that it had been discussed that, if the Selectmen were to endorse the resolutions then in fact they would be supporting the bills as written, and as previously mentioned, Mr. MacLean stated that the bills were not written properly. Selectman Murray also stated that both Town's Boards should meet with the LSRSDC and agree on the legislation prepared.

Mr. Brooks stated that the School Committee will not plan to present the two resolutions for endorsement of the two bills at the June 7th Special Town Meeting, without the support of the Board of Selectmen.

Executive Secretary Richard E. Thompson stated that Mr. MacLean appeared adamant that if the school does not have an emergency situation without immediate action on these bills, he strongly urges that this be an issue for next year's Annual Town Meeting.

Mr. Brooks stated that at Superintendent Levington's suggestion, Counsel for the LSRSDC had been contacted and Mr. Brooks said that Counsel recommended pursuing the legislation although he did agree that passing the legislation first and then goin back to Town Meeting was not the best or most proper procedure. Mr. Brooks also stated that the School Committee would very much like to see these two bills passed, but only with full concurrence of the Board of Selectmen.

Selectman Murray recommended a meeting with the Boards of Selectmen from Sudbury and Lincoln, along with the LSRSDC to formulate ideas at which point Town

Counsel would draft some legislation for Annual Town Meeting.

Mr. Brooks asked Selectman Toomey if he agreed with Selectman Murray.

Selectman Toomey stated that he was in partial agreement. He said that it would probably take about two years to complete the legislation if done in the manner suggested, yet it would not be advantageous to approach the Special Town Meeting floor because of the recent controversy and publicity surrounding the two bills. Selectman Toomey also stated that he does not disagree with the goal of the LSRSDC; however, he does disagree with the timing.

At 8:30 P.M. Mr. Robert J. Hotch, newly elected Selectman, arrived from the polls and joined the Board of Selectmen in their discussion of the LSRSDC bills.

Executive Secretary Richard E. Thompson commented that there are definite differences between a Contingency Fund and a Reserve Fund in the State's General Laws, which should also be looked into when preparing the legislation.

Selectman Murray suggested that the LSRSDC contact the State's Bureau of Accounts for a clarification of the two funds.

Mr. Alan Grathwohl, LSRSDC, said that the Finance Committees of both Towns should also be included in the organizational meeting together with the two Boards of Selectmen and the LSRSDC.

There being no further discussion, it was the consensus of opinion that the resolutions not be presented at the June 7th Special Town Meeting and that a meeting be scheduled in the near future between the Boards of Selectmen from Lincoln and Sudbury, the Lincoln and Sudbury Finance Committees and the Lincoln-Sudbury Regional School District Committee.

#### Organizational Meeting of the Board - Taking positions on Articles for Special Town Meeting

The Board tabled its organizational meeting to Wednesday, June 7, 1978, prior to the Special Town Meeting since the Town Clerk's office and Town Counsel concurred that Mr. Robert J. Hotch could not assume the duties of Selectman until tomorrow morning.

#### Landham Road

Present: Harold R. Cutler, Chairman of the former Landham Road Advisory Committee.

Chairman William F. Toomey stated that he and Selectman John E. Murray, along with the Executive Secretary, met today with Commissioner John Carroll, Department of Public Works, Charles E. Mistretta, District Highway Engineer, Robert T. Tierney, State Chief Engineer, Charles Teague, District 4 Project Engineer, two representatives from Senator Atkins' office, Robert A. Noyes, Highway Surveyor, and James V. Merloni, Town Engineer.

Selectman Toomey said that, as a result of today's meeting, and because of all the controversy regarding the reconstruction of Landham Road, the Commissioner rode out to Sudbury with his chief engineer to see the road. (It is the first time he

has ever done this.) Selectman Toomey said that the Selectmen will receive a letter hand-delivered tomorrow with the Commissioner's opinion stating that Landham Road should be 30' because of public safety factors and traffic volume.

Executive Secretary Richard E. Thompson said that Commissioner Carroll stated, after seeing Landham Road, that under no conditions could the road be any less than 30' to qualify for 100% reimbursement of all engineering and construction costs to the Town of Sudbury. (If it is built at 24', there would be a 75% reimbursement from the State.)

Mr. Thompson further stated that Commissioner Carroll did add, however, on the question of the petitioners (that group in favor of the 24' road), regarding the cost of an outside engineer (which would be necessary to redesign the width of the road), that the cost would be reimbursable at 75%. The Town will be reimbursed only after construction is started; the Town will still have to appropriate approximately \$60,000, of which work amounting to approximately \$8,000 - \$10,000 will be done by the Town's Engineering Department and \$50,000 by an outside consultant.

Mr. Thompson stated that the new estimated figure for next year's construction period is verified in the amount of \$450,000.

Mr. Thompson said that Commissioner Carroll also addressed the concerns of many people regarding charge-backs. The Commissioner said that there is a binding commitment between the Town of Sudbury and the State, and that although the State does have the statutory right to make the charge-back, there would not be any charge-back. Mr. Thompson further stated that without the charge-back, the charge to the Town, if the road is 24', would be a loss of available funds (without the 100% reimbursement) in the amount of approximately \$130,000 - \$150,000.

Mr. Harold R. Cutler, Chairman of the former Landham Road Advisory Committee, agreed with the \$130,000 - \$150,000 loss.

Mr. Robert J. Hotch asked what Commissioner Carroll based his conclusion on for the width of 30'.

The Executive Secretary stated that Commissioner Carroll had his chief engineer with him and also has an engineering background himself. Mr. Thompson said that one of the engineers with the Commissioner pointed out that, based on the traffic volume, they would be very close to recommending four lanes on Landham Road, especially since the Lechmere Mall is now under construction in Framingham and this area has only two connective streets, the best of which appears to be Landham Road. Also, future traffic volume is expected to increase within the next two years because of the new traffic improvements under construction on Route 9 and Speen Street in Framingham.

#### Verrill Farm Lease Agreement

Executive Secretary Richard E. Thompson stated that last week the Board signed a lease agreement in conjunction with the Park and Recreation Commission with Stephen B. Verrill of Concord, Massachusetts, for use of a portion of the Davis Land, North Road, for agricultural purposes, expiring November 30, 1978.

Mr. Thompson stated that he researched the records relative to a question raised by Selectman John E. Murray last week regarding the lease agreement having been signed the year before, and found that an agreement had not been signed for year 1977.

Star Market

The Executive Secretary reminded the Board that they have an invitation to Star Market on June 13, 1978, at 10:00 a.m.

Conflict of Interest Opinion - Committee on Town Administration

Executive Secretary Richard E. Thompson stated that Town Counsel had responded to the Board of Selectmen relative to a possible conflict of interest stated in a letter dated May 24, 1978, from the Committee of Town Administration (CTA). The letter prepared by Town Counsel was delivered Friday, June 2, 1978, to the Selectmen and copies now have been delivered to the Chairman of the CTA and Mr. John C. Powers.

Five-Member Board of Selectmen

The Executive Secretary brought to the Board's attention a letter dated June 1, 1978, received by Town Counsel from Mr. Frederick W. Welch relative to correct form of a petition article which Mr. Welch intends to begin circulating and submit to the Selectmen relative to a five-member Board of Selectmen and requesting a Special Town Meeting on or about September 5, 1978. The Board concurred that Town Counsel should prepare a response for the Selectmen's review.

Middlesex County Selectmen's Association

The Executive Secretary brought to the Board's attention an invitation to a meeting of the Middlesex County Selectmen's Association to be held at the Colonial Wakefield on June 14, 1978, and requested that the Board let him know if they plan to attend so that reservations can be made.

Lincoln-Sudbury Regional High School - State Championship Teams

Selectman John E. Murray requested that the Board prepare a Proclamation honoring the two Lincoln-Sudbury Regional High School teams which received the State Championship - - Lacrosse and Gymnastics - - and suggested that perhaps the high school might set aside some time for a rally to acknowledge the two teams.

It was agreed that the Executive Secretary look into the necessary arrangements.

There being no further business to come before the Board, the meeting was adjourned at 9:15 P.M.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk